

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

SALEM, NEW HAMPSHIRE, POLICE
RELIEF ASSOCIATION
and
TOWN OF SALEM, NEW HAMPSHIRE

CASE NO. P-0715

77-29

APPEARANCES

Representing Salem, N. H. Police Relief Association:

- Anthony R. DiFruscia, Counsel
- Robert J. Giusti, President
- James Mahoney, Patrolman
- Robert L. Eyssi, Patrolman
- Harold R. MacIntire, Animal Control Officer
- Edward Costello, Patrolman

Representing the Town of Salem, New Hampshire:

- Lewis F. Soule, Counsel
- John P. Ganley, Chief of Police
- William L. Kelly, Town Manager

FINDINGS

Petition for Certification through the election process was filed with this Board on May 20, 1977 by the Salem, New Hampshire Police Relief Association. Petition included required individual signature cards from members of the Salem Police Department indicating their desire to be represented by the Police Relief Association. Proposed unit included Lieutenants, Sergeants, Regular Officers, Special Officers and Animal Control Officers.

Hearing on the unit determination held at 2:30 p.m., June 23, 1977 in the Dept. of Safety Building, Hazen Drive, Concord, New Hampshire at which time the Salem Police Relief Association amended their petition to exclude the position of Lieutenant.

Oral testimony was heard from all parties and several exhibits accepted in support of inclusion or exclusion of the Sergeants, Special Officers and Animal Control Officers.

As in most cases before the Board concerning police department units, PELRB has found that sergeants generally may be included in the unit. The Board is not unmindful that there may exist certain peculiar supervisory relationships in the departments in different communities, however such relationship in this instance was not of sufficient weight to alter its general approach to the problem.

The Salem Police Relief Association alleged community of interest of the Animal Control Officer with the regular police force, and did present some evidence in an attempt to back up this contention; such as, wearing of a uniform, receiving communications through the Police communication center and the wearing of a badge.

The Town of Salem presented evidence contradicting the above contention on the part of the Association, alleging that communication directions were for administrative purposes only; line of supervision was not in any way connected with the Police Department supervision; the uniform was not customarily worn and further that the sole community of interest aspect was the sharing of communication channels only.

There are cases where an Animal Control Officer is in fact a full time employee of the police department and performs this function as an adjunct to normal police duties, such did not appear to be the case in the Salem Police Department, rather the weight of evidence indicated that the Animal Control Officer operated independently in a very specific and limited field and subject to direction other than the Police Department.

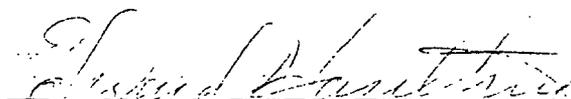
The Special Officers based on the evidence are at best temporary in nature and historically are not considered full time employees of the police department. It is true that recruitment process at times reaches within the special officer force and its full time employees, however, that is not sufficient to indicate the full time basis of employment for a community of interest.

Special Officers are hired intermitently, irregularly and on call, and are subject to reappointment on an annual basis and the Board feels strongly that in light of the evidence presented, they do not possess the same community of interest as the regular full time police officers.

The hearing pointed out that the pay of the special officers is not the same at that of full time officers except in certain instances and special officers are not entitled to all of the benefits bestowed upon the full time officers in the Salem Police Department.

DECISION

After considering all of the oral testimony and written evidence, the Board finds that the bargaining unit for the Salem Police Department will consist of all full time Patrolmen and Sergeants. Excluded from the unit will be Chief, Deputy Chief, Lieutenants, Special Officers and the Animal Control Officer.



EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 20th day of September, 1977

Board Vote: Unanimous. Present: Chairman, Edward J. Haseltine, Richard H. Cummings, and James C. Anderson. Absent: Members Moriarty and Allman